PHILIP MORRIS INCORPORATED

LAW DEPARTMENT MEMORANDUM

RICHMOND, VIRGINIA

(F)
CPF

TO: Jeff Seeman and T. Sanders

DATE: July 1, 1980

FROM: Susan Hutcheson

SUBJECT: PM 883B - 5-Alkyl-Nicotinoids - First Office Action Notification of Rejections and/or Objections

In order to assist you in responding to the enclosed Office Action, listed below are the rejections and explanation for each. Pertinent references are also enclosed.

Claims

1 to 9

Reasons for Rejection

35 USC 112 1st and 2nd Paragraph (Implies that claims are indefinite)

Information, Identification and Comments

Term "alkyl" is speculative and thus indefinite as to carbon content. Term "acid addition salts or hydrates thereof" is speculative as to precise nature of the same. Term is not adequately enabled or described for such scope. As above problems are present claims fail to point out invention.

Claims

1 to 6

Reasons for Rejection

39 USC 103 - Obvious

References

R+S+T+U

Information, Identification and Comments

Compounds of R(e.g. A & B, page 330); S(e.g. compounds 1,2,3, page 325); T(e.g. compounds 5,6, page 2125) and U(e.g. IV, page 864) would suggest and render obvious homologs at bar.

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Claims

1 and 7 to 9

Reasons for Rejection

35 USC 103 - Obvious

References

U+C

Information, Identification and Comments

Compounds of U(e.g. II, Page 864) and C(e.g. Example II) would suggest and render obvious homologs of instant claims 1,7, and 9.

Claims

1 to 9

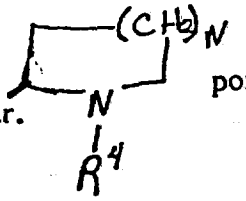
Reasons for Rejection

35 USC 103 - Obvious

References

A

Information Identification and Comments

Compounds of A (e.g. formula I with  portions of formula II) would suggest and render obvious homologs at bar.

Identifying data (SN filing date, applicants, etc.) should be set forth on page 4, line 1-2. (We'll take care of this - refers to Drs. Chavdarian and Sanders application).

B is cited to further show state of the art, B showing oxy and amino substituted nicotines.

END OF ACTION

After you have reviewed the action and references, we should discuss so that George Depaoli can prepare a response.

SAH/bjd

Enclosures

SAH

cc Dr. T. Osdene ✓

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T S. OSDENE

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